

FILED
for Roanoke
JUL 19 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

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|---------------------|---|-------------------------------------|
| CONRAD BURKE, |) | |
| Plaintiff, |) | Civil Action No. 7:07-cv-00342 |
| |) | |
| v. |) | <u>FINAL ORDER</u> |
| |) | |
| CHRIS WEBB, et al., |) | By: Hon. Jackson L. Kiser |
| Defendants. |) | Senior United States District Judge |

In accordance with the Memorandum Opinion entered this day, it is hereby

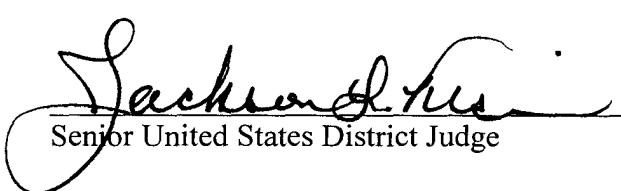
ADJUDGED AND ORDERED

that this case is hereby **DISMISSED** as malicious, pursuant to 28 U.S.C. § 1915(e)(2), and the matter shall be stricken from the active docket of the court. Any pending motions are hereby **DENIED as MOOT**. Plaintiff is hereby advised that this dismissal constitutes his third strike pursuant to 28 U.S.C. § 1915(g).

The plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to plaintiff.

ENTER: This 19th day of July, 2007.


Senior United States District Judge